

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1738 be amended to read as follows:

- 1 Page 2, between lines 39 and 40, begin a new paragraph and insert:
2 "SECTION 7. IC 7.1-3-1-3, AS AMENDED BY P.L.205-1999,
3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2003]: Sec. 3. (a) A permit of any type issued by the
5 commission, except as provided in subsections (b) and (f) or unless
6 otherwise provided in this title, shall be in force for one (1) calendar
7 year only, including the day upon which it is granted. At the end of the
8 one (1) year period the permit shall be fully expired and null and void.
9 (b) Notwithstanding subsection (a), in a county containing a
10 consolidated city, a permit that is subject to section 5.5 or 5.6 of this
11 chapter is effective for two (2) calendar years, including the day upon
12 which the permit is granted. However, a local board may recommend
13 to the commission that the permit be issued or renewed for only a one
14 (1) year period. The commission may issue or renew a permit for the
15 period recommended by the local board.
16 (c) A permittee who is granted a two (2) year permit under
17 subsection (b) or subsection (f) is liable for any annual fees assessed by
18 the commission. The annual fee is due on the annual anniversary date
19 upon which the permit was granted.
20 (d) If the commission grants a two (2) year permit, the commission
21 may ask a local board to hold a hearing to reconsider the duration of a
22 permittee's permit. A hearing held under this subsection is subject to
23 section 5.5 or 5.6 of this chapter. A local board shall hold the hearing
24 requested by the commission within thirty (30) days before the
25 permittee's next annual anniversary date and forward a
26 recommendation to the commission following the hearing.
27 (e) If a permittee is granted a permit for more than one (1) year, the
28 commission may require the permittee to file annually with the
29 commission the information required for an annual permit renewal.
30 (f) Notwithstanding subsection (a), the following are effective for
31 two (2) calendar years, including the day upon which the permit is

1 granted:

2 (1) A beer wholesaler's permit issued under IC 7.1-3-3-1.

3 (2) A wine wholesaler's permit issued under IC 7.1-3-13-1.

4 **(3) A liquor wholesaler's permit issued under IC 7.1-3-8-1."**

5 Page 3, delete lines 17 through 29, begin a new paragraph and
6 insert:

7 "SECTION 10. IC 7.1-3-17.5-6 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2003]: **Sec. 6. Notwithstanding IC 7.1-5-5-7,**
10 **the holder of an excursion and adjacent landsite permit may,**
11 **subject to the approval of the commission, provide alcoholic**
12 **beverages to guests without charge at an event on the licensed**
13 **premises if all the following requirements are met:**

14 (1) **The event is attended by not more than five hundred (500)**
15 **guests.**

16 (2) **The event is not more than three (3) hours in duration.**

17 (3) **Each alcoholic beverage dispensed to a guest:**

18 (A) **is entered into a cash register that records and itemizes**
19 **on the cash register tape each alcoholic beverage**
20 **dispensed; and**

21 (B) **is entered into a cash register as a sale and at the same**
22 **price that is charged to the general public.**

23 (4) **At the conclusion of the event, all alcoholic beverages**
24 **recorded on the cash register tape are paid by the holder of**
25 **the excursion and adjacent landsite permit.**

26 (5) **All records of the alcoholic beverage sales, including the**
27 **cash register tape, shall be maintained by the holder of the**
28 **excursion and adjacent landsite permit for not less than two**
29 **(2) years.**

30 (6) **The holder of the excursion and adjacent landsite permit**
31 **complies with the rules of the commission."**

32 Page 3, line 34, delete "distribute" and insert "**otherwise distribute**
33 **in exchange for consideration**".

34 Page 3, line 41, after "A" insert "**premises upon which a**".

35 Page 3, line 41, delete "IC 35-43-4-7)." and insert "**IC 35-43-4-7)**
36 **is located.**".

37 Page 4, line 3, delete "permit" and insert "**certificate**".

38 Page 4, line 12, delete "permit" and insert "**certificate**".

39 Page 4, line 20, delete "shall" and insert "**may**".

40 Page 4, line 27, delete "imposing" and insert "**enforcing the**
41 **imposition of**".

42 Page 4, between lines 40 and 41, begin a new paragraph and insert:
43 "**(c) Notwithstanding IC 34-28-5-5(c), civil penalties collected**
44 **under this section must be deposited in the youth tobacco education**
45 **and enforcement fund established under IC 7.1-6-2-6."**

46 Page 4, line 41, after "7." insert "(a)".

47 Page 5, between lines 2 and 3, begin a new paragraph and insert:

48 "**(b) Notwithstanding IC 34-28-5-5(c), civil penalties collected**
49 **under this section must be deposited in the youth tobacco education**
50 **and enforcement fund established under IC 7.1-6-2-6."**

51 Page 5, delete lines 29 through 42, begin a new paragraph and
52 insert:

1 "SECTION 16. IC 7.1-5-5-7, AS AMENDED BY P.L.204-2001,
2 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 7. (a) It is unlawful for a permittee in a sale or
4 contract to sell alcoholic beverages to discriminate between purchasers
5 by granting a price, discount, allowance, or service charge which is not
6 available to all purchasers at the same time. However, this section does
7 not authorize or require a permittee to sell to a person to whom he is
8 not authorized to sell under this title.

9 (b) A premises that operates at least two (2) restaurants that are
10 separate and distinct from each other on the same premises may
11 provide for a different schedule of prices in each restaurant if each
12 restaurant conforms to all other laws and rules of the commission
13 regarding pricing and price discrimination in its separate and distinct
14 areas.

15 **(c) This section does not apply to the holder of an excursion and**
16 **adjacent landsite permit that complies with IC 7.1-3-17.5-6."**

17 Page 6, delete line 1.

18 Renumber all SECTIONS consecutively.

(Reference is to EHB 1738 as printed March 28, 2003.)

Senator MERRITT